

ENTERED

July 29, 2019

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

SALVADOR AVILES,

Plaintiff,

VS.

ALLSTATE FIRE AND CASUALTY
INSURANCE COMPANY,

Defendant.

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CIVIL ACTION NO. 5:19-CV-23

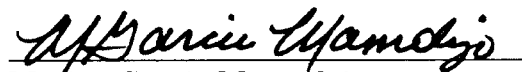
ORDER

On July 9, 2019, U.S. Magistrate Judge Sam Sheldon issued a Report and Recommendation in accordance with 28 U.S.C. § 636(b)(1) recommending that the Court grant in part and deny in part Defendant's Motion for Partial Dismissal Under Federal Rules of Civil Procedure 12(b)(6) and 9(b). (Dkt. No. 7). Neither Party has filed objections to the Report and Recommendation.

Having found no plain error in the proposed findings and recommendations, the Court hereby **ADOPTS** the Report and Recommendation as the findings of the Court. Accordingly, Defendant's Motion for Partial Dismissal (Dkt. No. 2) is **GRANTED IN PART** and **DENIED IN PART**, and Plaintiff's misrepresentation claims under Texas Insurance Code § 541.060(a)(1) are **DISMISSED WITHOUT PREJUDICE WITH LEAVE TO AMEND** by August 19, 2019.

It is so **ORDERED**.

SIGNED July 29, 2019.



Marina Garcia Marmolejo
United States District Judge